

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>ALBERTO RODRIQUEZ MOSQUERA,</b>	)	<b>CASE NO. 4:09CV1402</b>
	)	
<b>PLAINTIFF,</b>	)	<b>JUDGE PETER C. ECONOMUS</b>
	)	
<b>V.</b>	)	
	)	
<b>MS. DELGADO, <i>et al.</i>,</b>	)	<b>MEMORANDUM</b>
	)	<b>OPINION AND ORDER</b>
<b>DEFENDANTS.</b>	)	

On September 25, 2009, this case was referred to Magistrate Judge Benita Y. Pearson for general pretrial supervision, including all motions. (Dkt. # 5). On December 30, 2009, Defendants Mr. Vargas<sup>1</sup> and Ms. Delgado filed a Motion to Dismiss. (Dkt. # 17). On April 30, 2009, the Magistrate Judge issued a Report and Recommendation (“R&R”), recommending that the Court grant, with prejudice, the dismissal of Plaintiff’s claims against Defendants Mr. Vargas and Ms. Delgado for failure to state a claim. In addition, the Magistrate Judge recommended dismissing, without prejudice, the claims against Defendant Dr. Jane Doe for failure to serve. (Dkt. # 19).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (14) days after service. The parties have not filed any such objections. Therefore, the Court must assume the parties are satisfied with the Magistrate

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<sup>1</sup> The Magistrate Judge noted in her R&R that Plaintiff erroneously referred to Defendant Vargas as “Mr. Bargas” in the Complaint. Defendants’ Motion to Dismiss corrects the error and explains that: “[T]here is and was no NEOCC employee with the surname ‘Bargas’ and Defendants believe the intended defendant is Correctional Officer Wilfredo Vargas.” Plaintiff has not objected to this correction.

Judge's recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, the Report and Recommendation of Magistrate Judge Pearson is hereby **ADOPTED**. (Dkt. # 19). Defendants' Motion to Dismiss is **GRANTED**. (Dkt. # 17).

**IT IS SO ORDERED.**

/s/ Peter C. Economus – May 20, 2010  
**PETER C. ECONOMUS**  
**UNITED STATES DISTRICT JUDGE**